

**THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON FEBRUARY 8, 2010, WITH THE FOLLOWING MEMBERS PRESENT: ROBERT L. PROUD, PRESIDENT, EDWIN H. HUMPHREY, VICE PRESIDENT, AND R. SCOTT CROSWELL III, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 1:00 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.**

**LET THE RECORD SHOW:** Johnnie Freeman, Coordinator, Miami Valley Resource Conservation and Development (RC&D) Council, addressed the Board of County Commissioners to introduce himself as the new coordinator as of November, 2009. Mr. Freeman provided a brief overview of the Council's purpose and distributed handouts relative to upcoming events.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT/STORM WATER MANAGEMENT DIVISION...2010 SURFACE WATER IMPROVEMENT FUND GRANT APPLICATION THROUGH THE OHIO ENVIRONMENTAL PROTECTION AGENCY/DIVISION OF SURFACE WATER FOR THE HALL RUN STREAM RESTORATION PROJECT LOCATED IN UNION TOWNSHIP...10-0129-003...EXECUTED**

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of John McManus, Program Manager, Clermont County Water Resources Department/Storm Water Management Division, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Water Resources Department, to authorize Robert L. Proud, President of the Board of County Commissioners, to execute a 2010 Surface Water Improvement Fund Grant Application through the Ohio Environmental Protection Agency/Division of Surface Water, P.O. Box 1049, 50 West Town Street, Suite 700, Columbus, Ohio 43216-1049 for the purpose of conducting the Hall Run Stream Restoration Project located in Union Township, in the amount of \$150,000.00, with a local match of \$188,145.00, including \$170,405 in cash and \$17,740 in in-kind services, to be provided from the Sewer Construction Fund and the Storm Water Fund, with an effective grant performance period of one year from the effective date of the grant agreement, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

**IN RE: MAINTENANCE AGREEMENTS FOR VARIOUS DEPARTMENTS FOR THE PROVISION OF MAINTENANCE ON OFFICE EQUIPMENT...APPROVED**

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Requests from various departments to approve Maintenance Agreements with various vendors for the provision of maintenance on the following equipment at the rates and the terms outlined below pursuant to the terms and conditions set forth therein and to authorize David L. Spinney, County Administrator, to execute the Maintenance Agreements and the Rider for Equipment Maintenance Agreements attached thereto:

Elected Official or Department	Vendor	Equipment/Model #/ Serial Number(s)	Rate	Term
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	(4) Xerox CC65 Copiers S/N: MRL019665 MRL020026 MRL019951 MRL020033	\$25.00 per month plus \$0.0089 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	Xerox CC65 Copier S/N: MRL016559	\$29.76 per month plus \$0.0107 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	Xerox CC265H Copier S/N: UTU832005	\$28.00 per month plus \$0.0079 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	Xerox CC265H Copier S/N: UTU832011	\$28.35 per month plus \$0.0102 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	(3) Xerox CC55H Copiers S/N: NWL060456 NWL061351 NWL061336	\$29.76 per month plus \$0.0107 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	Xerox CC255H Copier S/N: UTV814955	\$29.76 per month plus \$0.0107 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC#10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	Xerox DC460C Copier S/N: NE4037641	\$48.25 per month plus \$0.0104 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	Xerox 5855CA Copier S/N: C7C080876	\$53.69 per month plus \$0.0206 per copy with no minimum charge	10/01/09 through 09/30/10
Department of Job and Family Services DC# 10-0201-001	Xerox Corporation P.O. Box 802555 Chicago, Illinois 60680-2555	Xerox 5855CA Copier S/N: C7C071354	\$56.53 per month plus \$0.022 per copy with no minimum charge	10/01/09 through 09/30/10

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes;    Mr. Humphrey, Aye;    Mr. Proud, Yea.

**IN RE:            BOARD OF COUNTY COMMISSIONERS...FINANCIAL/BUDGETARY  
ACTIONS FOR FISCAL YEAR 2010...APPROVED**

Moved by Mr. Humphrey, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Office of Management and Budget, with the concurrence of David L. Spinney, County Administrator, to approve financial/budgetary actions pursuant to Ohio Revised Code Section 5705.40 as they relate to changes in the Annual Appropriation Resolution for Fiscal Year 2010 (Resolution Number 211-09) and/or interfund transactions as outlined in the following table(s) and to authorize Linda Fraley, County Auditor, to properly record same:

**SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010:**

\$    62,560.57	Emergency Management Agency Fund	211	4011	5300	Purchased Services
\$    21,539.29	Emergency Management Agency Fund	211	4011	5700	Materials & Supplies

\$ 25,000.00	Emergency Management Agency Fund	211	4011	6600	Capital Outlay
\$ 281,978.00	FEMA Fund	272	7015	5300	Purchased Services

BUDGET TRANSFER OF FUNDS:

AMOUNT	FROM			TO	
\$ 9,000.00	General Fund	100-1013-6300	Facilities Management – Utilities	100-1010-5300	Board of County Commissioners – Purchased Services
\$ 2,000.00	General Fund	100-1080-5112	Recorder – Regular Salary	100-1080-5121	Overtime

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Humphrey, Aye; Mr. Croswell, Yes; Mr. Proud, Yea.

IN RE: TRAINING AND TRAVEL REQUESTS...REIMBURSEMENT OF EXPENSES RELATIVE TO SAME...APPROVED

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures of the Board and in compliance with the Annual Appropriations for Fiscal Year 2010 and any and all amendments subsequent thereto:

**OFFICE OF TECHNOLOGY, COMMUNICATIONS AND SECURITY**

**Beth Nevel:** Two (2) days – Columbus, Ohio – Ohio Emergency Management Association 2010 Spring Directors’ Seminar – Total expenses not to exceed \$262.00.

**DEPARTMENT OF JOB AND FAMILY SERVICES**

**Theresa Ellison:** One (1) day – Dayton, Ohio – Ohio Child Support Directors Association Attorney Networking Meeting – Total expenses not to exceed \$55.00.

**COUNTY SHERIFF**

**Robert Bailey:** Three (3) days – Columbus, Ohio – Bureau of Alcohol, Tobacco, Firearms and Explosives Explosive K9 Workshop “ATF National Odor Recognition Test” – Total expenses not to exceed \$0.00.

**CLERMONT COUNTY WATER RESOURCES DEPARTMENT**

**J. Dwight Culbertson:** One (1) day – Columbus, Ohio – The Ohio Water Environment Association 2010 Government Affairs Specialty Workshop – Total expenses not to exceed \$100.00.

**Wes Fritts and Jason Simpson:** One (1) day – Lebanon, Ohio – The Ohio Local Technical Assistance Program (LTPA) Center 2010 Construction Inspection Overview Course – Total expenses not to exceed \$110.00.

**John McManus:** Two (2) days – Louisville, Kentucky – The 2010 Pumper & Cleaner Environmental Expo International – Total expenses not to exceed \$70.00.

**BUILDING INSPECTION DEPARTMENT**

**Gary Pitzer, Ron Morrison, James Young and Jerry Wear:** One (1) day – Sharonville, Ohio – Southwestern Ohio Building Officials Association Seminar entitled “Fire Pumps and Sprinklers” – Total expenses not to exceed \$100.00.

**DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT**

**Natalie Fiscus:** One (1) day – Sharonville, Ohio – 2010 David J. Allor Planning and Zoning Workshop – Total expenses not to exceed \$60.00.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

**IN RE: PERSONNEL ACTION FORMS...APPROVED**

- \* THE OFFICIAL RECORD OF PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, RELATIVE TO PERSONNEL ACTIONS IS AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME.

**LET THE RECORD SHOW:** A MOTION BY MR. HUMPHREY, SECONDED BY MR. CROSWELL, TO GO INTO EXECUTIVE SESSION AT 1:20 P.M. PURSUANT TO SECTION 121.22(G)(3) OF THE OHIO REVISED CODE REGARDING PENDING LEGAL MATTERS, CARRIED WITH ALL MEMBERS VOTING AFFIRMATIVELY THEREON.

LET THE RECORD SHOW: THE EXECUTIVE SESSION CONCLUDED AND REGULAR SESSION RESUMED AT 2:08 P.M. WITH NO ACTION TAKEN.

**IN RE: BOARD OF COUNTY COMMISSIONERS...AUTHORIZATION FOR THE CLERMONT COUNTY PROSECUTING ATTORNEY'S OFFICE, CIVIL DIVISION, TO SETTLE CASE NUMBER 1:09-CV-163, MUSIC CONSTRUCTION, INC. VS. BOARD OF COUNTY COMMISSIONERS, FILED IN THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO THEREBY ACCEPTING THE CONTRACTS WITH MUSIC CONSTRUCTION, INC., FOR PROJECT NUMBER 651-0864 RELATIVE TO THE CHAPEL ROAD SANITARY SEWER REPLACEMENT PROJECT LOCATED WITHIN BATAVIA TOWNSHIP AND PROJECT NUMBER 651-0869 RELATIVE TO THE O'BANNON SEWER REPLACEMENT PROJECT LOCATED WITHIN GOSHEN TOWNSHIP AS COMPLETE AND AUTHORIZATION OF THE RELEASE OF RETAINAGES RELATIVE THERETO...09-0805-003, 06-0126-005 AND 06-0208-004...RATIFIED**

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of David J. Frey and Mary Lynne Birck, Assistant Prosecuting Attorneys, with the concurrence of David L. Spinney, County Administrator, to authorize the Office of the Clermont County Prosecuting Attorney, Civil Division, to settle Case Number 1:09-CV-163 filed in the United States District Court, Southern District of Ohio, known as Music Construction, Inc. vs. Board of County Commissioners, relative to the Chapel Road Sanitary Sewer Replacement Project, Project Number 651-0864, for a settlement in the amount of \$40,000.00 as full settlement and release of all claims and causes of action relative thereto, and in accordance with the settlement to accept the contract for Project 651-0864, relative to the Chapel Road Sanitary Sewer Replacement Project and the contract for Project 651-0869, relative to the O'Bannon Sewer Replacement Project, with Music Construction, Inc., 2510 Margaret Ann Drive, Mount Sterling, Kentucky 40353 as Complete and further to authorize the release of retainages in the respective principal amounts of \$42,100.68 and \$7,111.11, plus all accrued interest earned thereon relative thereto.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

**LET THE RECORD SHOW:** That a motion by Mr. Humphrey, seconded by Mr. Croswell, to approve the minutes of Regular Session of **02/08/10** carried with all members present voting affirmatively thereon.

**IN RE: ADJOURNMENT...APPROVED**

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 2:10 P.M. until the next regularly scheduled session to be held at a later date.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, Yea.

**BOARD OF COUNTY COMMISSIONERS  
CLERMONT COUNTY, OHIO**

**ROBERT L. PROUD, PRESIDENT  
EDWIN H. HUMPHREY, VICE PRESIDENT  
R. SCOTT CROSWELL III, MEMBER**

**JUDITH KOCICA, CLERK OF THE BOARD**

**DATE APPROVED – 02/08/10**